

1 Amend 2 Cal. Code Regs. Section 18707.1 as follows:

2  
3 **§ 18707.1. Public Generally. General Rule.**  
4

5 (a) Except as provided in Government Code sections 87102.6 and 87103.5, the  
6 material financial effect of a governmental decision on a public official's economic  
7 interests is indistinguishable from its effect on the public generally if both subdivisions  
8 (b)(1) and (b)(2) of this regulation apply.

9 (b) Significant Segments and Indistinguishable Effects.

10 (1) Significant Segment. The governmental decision will affect a "significant segment" of  
11 the public generally if any of the following are affected as set forth below:

12 (A) Individuals. For decisions that affect the personal expenses, income, assets, or liabilities  
13 of a public official or a member of his or her immediate family, or that affect an individual who  
14 is a source of income or a source of gifts to a public official, the decision also affects:

15 (i) Ten percent or more of the population in the jurisdiction of the official's agency or the  
16 district the official represents; or

17 (ii) 5,000 individuals who are residents of the jurisdiction.

18 (B) Real Property. For decisions that affect a public official's real property interest,  
19 the decision also affects:

20 (i) Ten percent or more of all property owners or all homeowners in the jurisdiction of the  
21 official's agency or the district the official represents; or

22 (ii) 5,000 property owners or homeowners in the jurisdiction of the official's agency.

23 (C) Business Entities. For decisions that affect a business entity in which a public official has  
24 an economic interest the decision also affects 2,000 or twenty-five percent of all business entities  
25 in the jurisdiction or the district the official represents, so long as the effect is on persons  
26 composed of more than a single industry, trade, or profession. For purposes of this subdivision,  
27 a not for profit entity other than a governmental entity is treated as a business entity.

28 (D) Governmental Entities. For decisions that affect a federal, state or local government  
29 entity in which the public official has an economic interest, the decision will affect all members  
30 of the public under the jurisdiction of that governmental entity.

31 (E) Exceptional Circumstances. The decision will affect a segment of the population which  
32 does not meet any of the standards in subdivisions (b)(1)(A) through (b)(1)(D), however, due to  
33 exceptional circumstances regarding the decision, it is determined such segment constitutes a  
34 significant segment of the public generally.

35 (2) Substantially the Same Manner: The governmental decision will financially affect a  
36 public official's economic interest in substantially the same manner as it will affect the  
37 significant segment identified in subdivision (b)(1) of this regulation.

38  
39 (A) Real property. To determine whether a decision will financially affect a public  
40 official's real property interests in substantially the same manner as it will affect the  
41 significant segment identified in subdivision (b)(1)(B) of this regulation, consideration  
42 may be given to the effect of the decision in relation to:

1           (i) Attributes of properties owned by the official and the significant segment  
2           including, but not limited to, property location, zoning designations, current or potential  
3           use, development or income producing potential, size; or

4           (ii) Characteristics of neighborhoods in which properties owned by the official or the  
5           significant segment are located including, but not limited to, traffic, view, privacy, intensity of  
6           use, noise levels, or air emissions.]

7  
8           COMMENT: The term “affect all members of the public” is intended to cover decisions  
9           affecting the public in general but to exclude decisions which uniquely benefit a public official.

10  
11           NOTE: Authority cited: Section 83112, Government Code. Reference: Section 87103,  
12           Government Code.  
13